

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **AUG 01 2016** ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

-----X
Adam Daniel Cohen

Full name of plaintiff/prisoner ID#

CV 16 4405

Plaintiff,

JURY DEMAND

YES _____ NO ☒

-against-
Carole Kreisberg
Officer Calamia #8920
Officer MGIOSANO 8903

Enter full names of defendants

[Make sure those listed above are
identical to those listed in Part III.]

Sgt DISCALA #8367

AZRACK, J.

Steven Borofsky esq. **TOMLINSON, M.J.**

Defendants.
-----X

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (☒)
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: _____

Defendants: _____

**2. Court (if federal court, name the district;
if state court, name the county)**

Family Court State of New York Nassau Cty
Supreme CT State of NY Domestic Violence

3. Docket Number:

0-05400-14

IDU Tracking # 2014 ID 000047

4. Name of the Judge to whom case was assigned: Gugerty
5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)
CASE was DISMISSED and order of protection was dismissed
6. Approximate date of filing lawsuit: N/A
7. Approximate date of disposition: 12/14 D.A. lacked evidence

II. Place of Present Confinement: N/A

A. Is there a prisoner grievance procedure in this institution? Yes () No (☒)

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes () No (☒)

C. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not I was not advised of this.

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes (☒) No ()

F. If your answer is YES,

1. What steps did you take? I complained to Correction Supervisor but was told "Tell it to the Judge"

2. What was the result? ↑

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Adam Daniel Cohen
Address 2285 Rose St SARASOTA Fla.
34239

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

Carole Kreisberg
Long Beach NY

Defendant No. 2

Sgt Discala # 8367
3rd PCT Nassau County
NY 11507

Defendant No. 3

PO Calamia #8920
3rd PCT
Nassau County NY

Defendant No. 4

P.O. Maiorano #8903
3rd PCT
Nassau County NY

Defendant No. 5

unidentified officer
struck me with a fist
name begins with an "O"
he transported me to the hospital

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

* if possible would like to add her attorney
Steven Barofsky to lawsuit and civil rights violation

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

on June 18 2014 I was served with an order of Protection from my estranged wife Carole Kreisberg. Two P.O. from Nassau 3rd pct arrested me for the violation under Aggravated harassment under no time did I violate the order but was arrested anyway. I would like to see Civil Rights Charges against Ms Carole Kreisberg; Mr Steven Barofsky esq. P.O. Calamia, P.O. Maiorano, Sgt. Discala. Patrol Supervisor Nassau Ct 3rd pct. Two officers from 3rd pct who transported me to the hospital w/ complications from Diabetes.

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

I was denied my insulin and during my incarceration my Glucose & Blood pressure was 565/220/170 I was on the verge of a stroke or Diabetic Coma. Twice I was taken to Nassau Medical center but was denied Medical attention.

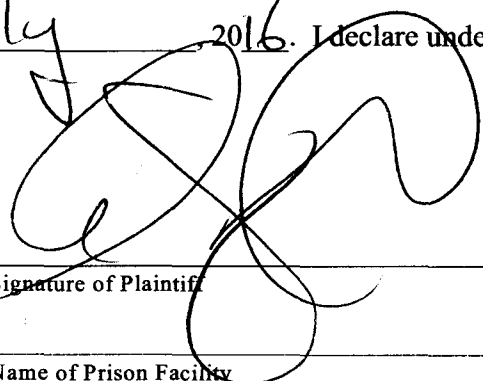
V. Relief:

State what relief you are seeking if you prevail on your complaint.

I would like to be awarded compensation for the expenses it took to prove my innocence. I would also like to bring a civil rights suit against the officers and Ms Kiersby and her attorney for the months of prosecuting me for a frivolous charge.

I declare under penalty of perjury that on July 13 2016, I ~~delivered this~~ ^{hand mailed it personally} ~~complaint to prison authorities~~ to be mailed to the United States District Court for the Eastern District of New York.

Signed this 13 day of July, 2016. I declare under penalty of perjury that the foregoing is true and correct.


Signature of Plaintiff

Name of Prison Facility

2285 Rose St
SARASOTA Fla 34239
Address

Prisoner ID#

On June 18, 2014 I was served with an Order of Protection by my estranged wife Carole Kreisberg that stated:

- A. Stay away from Carole Kreisberg
- B. Stay away from said residence of Carole Kreisberg; no where did it state how far away and I explained this to the officers but I was told just stay out of the neighborhood
- C. Stay away from the employment of Carole Kreisberg

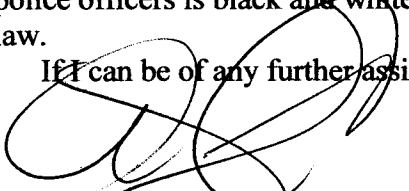
After getting served with the Order of Protection I explained to the officers that I am a former NYPD officer and have extensive experience with Orders of Protection. I told the officers that the Order of Protection was not written correctly and needed to have limits to the locations. Again I was told that if I went to the neighborhood I would be arrested, I was told that I had no right to go into the entire neighborhood. Sometime after getting the Order of Protection I texted my estranged wife letting her know I was notifying the Internal Revenue Service regarding her failure to notify them of undocumented income, at that time she was making anywhere from \$1200.00 to \$1500.00 per month. Later that day two officers from the Nassau County third precinct came into my backyard without permission and handcuffed me, stating that I was under arrest for violation of the Order of Protection. I pointed out that the Order of Protection did not have any stipulation regarding communication and that Carole Kreisberg would need to amend her Order of Protection, so this would prove that I did not violate the Order of Protection. Instead I was thrown up against the wall and arrested for violating the Order of Protection. I was taken to jail in my boxer shorts and denied my insulin pump.

During the 24 to 27 hours that I was in jail I suffered serious diabetic complications. I saw the judge the next morning and after telling the judge about my situation he looked over the Order of Protection directive over and stated "Oh yeah it doesn't" then added the stipulation and said "don't do it again" then gave me a bail of \$25,000.00.

In the following weeks and months it took large amounts of my savings to prove that I was innocent. I made numerous requests to the Nassau Police Department to investigate the arrest but was told no, even after telling them one of their officers struck me in the head sharply with his fist and telling me to "shut the fuck up", which violated my freedom of speech. During the months of having to travel from Florida to New York to prove my innocence, Ms. Kreisberg and her attorney Mr. Borofsky kept delaying the court case causing a financial hardship on me as I was required to fly back and forth from Florida for hearing that continuously were delayed. After finally seeing the judge the District Attorney was told to produce their evidence. Ms. Kreisberg provided the IRS form that I showed her numerous times asking her to document her additional income. Ms. Kreisberg all provided a text message that I sent her stating "I will call your job". I sent the text so that I would not violate the Order of Protection. I showed this to the District Attorney. At the time of my arrest I showed the text message to the arresting officers. One week later the presiding judge dropped all charges against me and threw out the Order of Protection after the District Attorney said that they had no case.

I would like the Federal Bureau of Investigations to do a through investigation into the Nassau Police Department. I believe that the officers of the Nassau Police Department did not observe the letter of the law and went beyond the scope of their employment by interrupting the law. The Order of Protection is black and white with all directives listed. Ms. Kreisberg never had cause for getting an Order of Protection. I was already moving to Florida and had a Florida residence. Please note the original Order of Protection was vague in description and failed to exempt communication of any type including electronic. I believe because I followed the directive and did not violate the original Order of Protection that I was falsely arrested and the county and Ms. Kreisberg are hiding behind and using 9/11 as an excuse to interrupt and stretch the law. I always thought that my 13 years as an NYPD ESU officer that the law for police officers is black and white and that the District Attorneys office interrupt the law.

If I can be of any further assistance please feel free to contact me.



ADAM DANIEL COHEN
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